

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
 Aurora Contractors, Inc.

DEFENDANTS
 Construction and General Building Laborers' Local 79

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
 Milman Labuda Law Group PLLC
 3000 Marcus Avenue, Suite 3W8, Lake Success, NY 11042
 (516) 328-8899

ATTORNEYS (IF KNOWN)
CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
 (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

29 U.S.C. § 185. Petition to stay arbitration.

 Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

 If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

 No Yes
(PLACE AN [x] IN ONE BOX ONLY)
NATURE OF SUIT

| | | TORTS | ACTIONS UNDER STATUTES | | | |
|----------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|-------------------------------------------------|----------------------------------------------------------------|-----------------------|--|
| CONTRACT | PERSONAL INJURY | PERSONAL INJURY | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
| [] 110 INSURANCE | [] 310 AIRPLANE | [] 367 HEALTHCARE/ | [] 625 DRUG RELATED | [] 422 APPEAL | [] 375 FALSE CLAIMS | |
| [] 120 MARINE | [] 315 AIRPLANE PRODUCT | PHARMACEUTICAL PERSONAL | SEIZURE OF PROPERTY | 28 USC 158 | [] 376 QUI TAM | |
| [] 130 MILLER ACT | LIAIBILITY | [] 365 PERSONAL INJURY | 21 USC 881 | [] 423 WITHDRAWAL | [] 400 STATE | |
| [] 140 NEGOTIABLE INSTRUMENT | [] 320 ASSAULT, LIBEL & SLANDER | PRODUCT LIABILITY | [] 690 OTHER | 28 USC 157 | REAPPORTIONMENT | |
| [] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT | [] 330 FEDERAL EMPLOYERS' LIABILITY | [] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY | PROPERTY RIGHTS | | [] 410 ANTITRUST | |
| [] 151 MEDICARE ACT | [] 340 MARINE | PERSONAL PROPERTY | [] 820 COPYRIGHTS | [] 430 BANKS & BANKING | | |
| [] 152 RECOVERY OF DEFECTUALTED STUDENT LOANS (EXCL VETERANS) | [] 345 MARINE PRODUCT LIABILITY | [] 370 OTHER FRAUD | [] 830 PATENT | [] 450 COMMERCE | | |
| [] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS | [] 350 MOTOR VEHICLE | [] 371 TRUTH IN LENDING | [] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION | [] 460 DEPORTATION | | |
| [] 160 STOCKHOLDERS SUITS | [] 355 MOTOR VEHICLE PRODUCT LIABILITY | | [] 840 TRADEMARK | [] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) | | |
| [] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY | [] 360 OTHER PERSONAL INJURY | [] 380 OTHER PERSONAL PROPERTY DAMAGE | | [] 480 CONSUMER CREDIT | | |
| [] 195 FRANCHISE | [] 362 PERSONAL INJURY - MED MALPRACTICE | [] 385 PROPERTY DAMAGE | SOCIAL SECURITY | [] 490 CABLE/SATELLITE TV | | |
| | | PRODUCT LIABILITY | [] 710 FAIR LABOR STANDARDS ACT | | | |
| | | | [] 720 LABOR/MGMT RELATIONS | | | |
| | | PRISONER PETITIONS | [] 740 RAILWAY LABOR ACT | [] 850 SECURITIES/ COMMODITIES/ EXCHANGE | | |
| | | [] 463 ALIEN DETAINEE | [] 751 FAMILY MEDICAL LEAVE ACT (FMLA) | [] 890 OTHER STATUTORY ACTIONS | | |
| | | [] 510 MOTIONS TO VACATE SENTENCE | | [] 891 AGRICULTURAL ACTS | | |
| | | 28 USC 2255 | [] 790 OTHER LABOR LITIGATION | | | |
| | | | [] 791 EMPL RET INC SECURITY ACT (ERISA) | | | |
| | | ACTIONS UNDER STATUTES | | | | |
| | | CIVIL RIGHTS | | | | |
| | | [] 530 HABEAS CORPUS | [] 870 TAXES (U.S. Plaintiff or Defendant) | | | |
| | | [] 535 DEATH PENALTY | [] 871 IRS-THIRD PARTY | | | |
| | | [] 540 MANDAMUS & OTHER | 26 USC 7609 | | | |
| | | (Non-Prisoner) | | | | |
| REAL PROPERTY | | | | | | |
| [] 210 LAND CONDEMNATION | [] 441 VOTING | IMMIGRATION | | | | |
| [] 220 FORECLOSURE | [] 442 EMPLOYMENT | PRISONER CIVIL RIGHTS | [] 462 NATURALIZATION | | | |
| [] 230 RENT LEASE & EJECTMENT | [] 443 HOUSING/ ACCOMMODATIONS | [] 550 CIVIL RIGHTS | APPLICATION | | | |
| [] 240 TORTS TO LAND | [] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT | [] 555 PRISON CONDITION | [] 465 OTHER IMMIGRATION ACTIONS | | | |
| [] 245 TORT PRODUCT LIABILITY | [] 446 AMERICANS WITH DISABILITIES - OTHER | [] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT | | | | |
| [] 290 ALL OTHER REAL PROPERTY | [] 448 EDUCATION | | | | | |

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION
 UNDER F.R.C.P. 23

 DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
 AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
 IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

 Check YES only if demanded in complaint
 JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|-----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input type="checkbox"/> a. all parties represented | | | | | | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) |
| <input type="checkbox"/> b. At least one party is pro se. | | | | | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | | | | | | | |
|--------------------------|--------------|--------------|-----------------------------------------------------------|------------------------|---------------------------------------------------------------|--------------|--------------|
| CITIZEN OF THIS STATE | PTF [] 1 | DEF [] 1 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | PTF DEF [] 3 [] 3 | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | PTF [] 5 | DEF [] 5 |
| CITIZEN OF ANOTHER STATE | [] 2 | [] 2 | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | [] 4 [] 4 | FOREIGN NATION | [] 6 | [] 6 |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)
100 Raynor Avenue, Ronkonkoma, NY 11779

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)
131 West 33rd Street, 7th Floor, New York, NY 10001

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

/s/ Michael J. Mauro, Esq.
DATE 8/4/2020 SIGNATURE OF ATTORNEY OF RECORD
RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[] YES (DATE ADMITTED Mo. _____ Yr. _____)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)